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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,585	09/09/1999	THIERRY DESLANDES	Q055716	1444

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 05/23/2003

Q7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/392,585

Applicant(s)

DESLANDES ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

2142

*-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --***Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 April 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 6-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6-11 and 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Action is in response to the latest reply received on 16 April 2003.
2. Amendment E, Paper 23, received 06 March 2003 has been entered into record.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 April 2003 has been entered.

4. The application has been examined. **Claims 1-4, 6-11 and 13** are pending. The objections and rejections cited are as stated below:

Claim Objections

5. **Claim 1** is objected in view of 37 CFR 1.75, because the recitation “the isolated franking machine” in lines and 12. Nowhere preceding this recitation does it state an isolated franking machine. The Examiner will interpret this to mean “an electrically isolated franking machine”.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 4, 7-11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier, U.S. Patent No. 4,752,950 in view of Kim et al. (Kim), U.S. Patent No. 5,224,046.

8. Regarding **claim 1**, Le Carpentier discloses the invention substantially as claimed. Le Carpentier discloses *a process for monitoring the consumption of a plurality of franking machines* (item 1), [see Le Carpentier, Col. 2, lines 54-58 and Col. 6, lines 4-10] *through a public communication network* [see Le Carpentier, Figure 1, item 3, Abstract, Col. 1, lines 54-67, Col. 2, lines 1-2], *and at least one of the franking machines being in communication with the public communications network* [see Le Carpentier, Col. 2, lines 25-66] *the process comprising the steps of: first establishing a link with a management server* (item 2) *through the public communications network in accordance with a protocol of communication, via at least one supervision terminal* (item 4) *from which the plurality of franking machine*, [see Le Carpentier, Col. 8, lines 27-35] *and subsequently proceeding with an exchange of data between the supervision terminal and the management server during which a user (1) acquires at the supervision terminal a current invoicing* [see Le Carpentier, Col. 2, lines 61-65, Col. 8, lines 12-67 and Col. 9, lines 1-26] *and (2) receives a code of authorization to frank in order to validate the subsequent frankings of the franking machine* [see Le Carpentier, Col. 8, lines 50-67 and Col. 9, line 13]. However, Le Carpentier does not explicitly disclose at least one of the franking machines being electrically isolated from the public communications network. Furthermore, Le Carpentier does not explicitly disclose displaying at the supervision terminal (1) a list of the plurality of franking machines, and (2) for each one of the plurality of franking machines, a last invoicing index validated by the management server. An ordinary artisan in the art at the time

the invention was made, would have been motivated to look to replacing the inconvenient and time-consuming procedures of human intervention with a more automated and less inconvenient system [see Le Carpentier, Col. 1, lines 45-50].

9. In the same field of endeavor, Kim discloses (e.g., a system for recharging a plurality of postage meters). Kim discloses *at least one of the franking machines being electrically isolated from the public communications network and wherein said data exchange further comprises: displaying, at the supervision terminal (1) a list of the plurality of franking machines, and (2) for each one of the plurality of franking machines, a last invoicing index validated by the management server* (Kim teaches that system determines if a meter is selected through the network controller. If the selected meter is not connected (isolated meter), the system displays a request for manual input of the access code and waits for that input. Kim also teaches that the system displays options for meter list maintenance), [see Kim, Col. 3, lines 14-40, Col. 5, lines 46-67, Col. 6, lines 1-67, Col. 7, lines 1-67, and Col. 8, lines 1-68].

10. Accordingly, it would have been obvious to one of ordinary skill in the networking at the time the invention was made to have incorporated Kim's teachings of a system for recharging a plurality of postage meters with the teachings of Le Carpentier, for the purpose of providing a system that is compatible with existing postage meters (i.e., mechanical and electrical mechanical postage meters) without the necessity of obtaining approval from a postal service as well as providing a system which is capable of obtaining a recharge code for a plurality of selected postage meters [see Kim, Col. 3, lines 1-22]. By this rationale **claim 1** is rejected.

11. Regarding **claim 4**, Le Carpentier-Kim further discloses *wherein said step of exchange further comprises the user entering into the supervision terminal all identifier including at least*

one of a password and a personal identification number [see Kim, Col. 5, lines 8-10]. By this rationale **claim 4** is rejected.

12. Regarding **claim 7**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank comprises information indicative of (1) an authorized maximum amount of credit, [see Kim, Col. 8, lines 53-67] (2) an authorized maximum amount of consumption [see Kim, Col. 8, lines 53-67], (3) a period of franking* [see Kim, Col. 5, lines 58-67]. By this rationale **claim 7** is rejected.

13. Regarding **claim 8**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank is obtained by calculation from one of the current invoicing index [see Kim, Col. 6, lines 3-27] and a serial number of a printing head* [see Le Carpentier, Col. 4, lines 41-49]. By this rationale **claim 8** is rejected.

14. Regarding **claim 9**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank is obtained by calculation from a current data* [see Kim, Col. 6, lines 3-27]. By this rationale **claim 9** is rejected.

15. Regarding **claim 10**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank is obtained by calculation from information indicative of (1) a maximum amount of credit, (2) a maximum amount of authorized consumption, and (3) an authorized period of franking* [see Kim, Col. 8, lines 53-67]. By this rationale **claim 10** is rejected.

16. Regarding **claim 11**, Le Carpentier-Kim further discloses *wherein the protocol of communication used, for establishing a link the management server is a protocol of telephonic communication of a vocal synthesis* [see Le Carpentier, Col. 2, lines 33-44]. By this rationale **claim 11** is rejected.

17. Regarding **claim 13**, Le Carpentier-Kim further discloses *wherein the steps of data exchange further comprises, at the supervision terminal, a current invoicing index indicative of the isolated franking machine and receiving, from the management server, a code of authorization to frank in order to validate the subsequent franking of the isolated franking machine* [see Kim, Col. 5, lines 46-68 and Col. 6, lines 1-27]. By this rationale **claim 13** is rejected.

Claim Rejections - 35 USC § 103

18. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier-Kim as applied to **claims 1, 4, 7-11 and 13** above, and further in view of Gerszberg et al. (Gerszberg), U.S. Patent No. 6,359,881.

19. Regarding **claim 2**, Le Carpentier-Kim further discloses the invention substantially as claimed. Le Carpentier-Kim suggests the use of protocols [see Le Carpentier, Col. 5, lines 54-59]. However, Le Carpentier-Kim does not explicitly disclose of wherein the protocol of communication used for establishing a link with the management server is a Videotex protocol, such as a teletel protocol.

20. In the same field of endeavor, Gerszberg discloses (e.g., a system that allows for increased services to an end users by way of a video phone and other devices). Gerszberg discloses of *wherein the protocol of communication used for establishing a link with the management server is a Videotex protocol, such as a teletel protocol* [see Gerszberg, Col. 2, lines 19-35, Col. 8, lines 53-67, Col. 9, lines 1-16, Col. 12, lines 57-65].

21. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Gerszberg's teachings of a system that allows for increased services to an end users by way of a video phone and other devices with the teachings of Le Carpentier-Kim, for the purpose of providing an improved network for interexchange companies to access different lines or alternate lines, which would allow for the utilization of video phones and other devices in order to provide additional services to an end user [see Gerszberg, Col. 2, lines 19-33]. By this rationale **claim 2** is rejected.

22. Regarding **claim 3**, Le Carpentier-Kim and Gerszberg further discloses *wherein the protocol of communication used for establishing a link with the management server is a protocol of TCP/IP type* [see Gerszberg, Col. 8, lines 20-24]. By this rationale **claim 3** is rejected.

Claim Rejections - 35 USC § 103

23. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier-Kim as applied to **claims 1, 4 and 7-11 and 13** above, and further in view of Breault et al. (Breault), U.S. Patent No. 4,908,770.

24. Regarding **claim 6**, Le Carpentier-Kim discloses the invention substantially as claimed. Le Carpentier-Kim further suggests displaying data [see Kim, Col. 3, lines 22-33]. However, Le Carpentier-Kim does not explicitly disclose of wherein said step of data exchange further comprises displaying, at the supervision terminal, one of a selectable plurality of tables and statistics in graph form relating to the list of printing heads.

25. In the same field of endeavor, Breault discloses (e.g., a mail management system). Breault discloses *wherein said step of data exchange further comprises displaying, at the*

supervision terminal, one of a selectable plurality of tables and statistics in graph form relating to the list of printing heads [see Breault, Col. 5, lines 40-68 and Col. 6, lines 1-50].

26. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Breault's teachings of a mail management system with the teachings of Le Carpentier-Kim, for the purpose of providing a method and apparatus that receives and validates client account identification codes and which also allows for the dispensing of postage event when the host system is inoperative [see Breault, Col. 2, lines 33-40]. By this rationale **claim 6** is rejected.

Response to Arguments

27. Applicant's arguments filed on 06 March 2003 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention.

- a. Applicant states that all of the plurality of franking machines is independent from the supervision terminal.
- b. Applicant argues that Le Carpentier-Kim as well as allegedly well known would not have led an artisan of ordinary skill to the subject matter defined by independent claim 1.

28. As to "Point A", it is the Examiner's position that the features upon which applicant relies (i.e., all of the plurality of franking machines are independent from the supervision terminal) are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Le Carpentier-Kim does teach a plurality franking machines (i.e., meters) that are separate from the local stations (plurality of franking machines independent of the supervision terminal), [see Le Carpentier, Figure 1].

29. As to "Point B", it is the Examiner's position that Le Carpentier-Kim in combination does teach an isolated franking machine. Kim teaches displaying a list of meters by the system (10a) and that meters are selected in order to obtain information regarding funds as well as recharging [see Kim, Col. 5, lines 30-47]. The system of Kim teaches that system (10a) determines whether or not a selected meter is connected through the network controller (isolated franking machine), [see Kim, Col. 5, lines 45-57].

Citation of Pertinent Prior Art

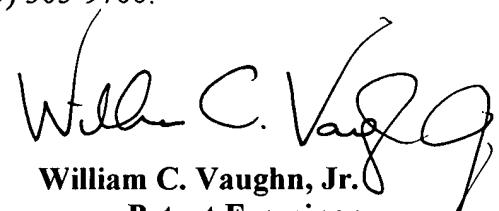
30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collins et al. (Collins), U.S. Patent No. 5,384,708 teaches obtaining the most up to date data regarding a postage meter machine that is either online or offline [see Collins, Figure 5, Col. 4, lines 64-68 and Col. 5, lines 1-51].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



William C. Vaughn, Jr.
Patent Examiner
Art Unit 2142
May 19, 2003